

# KITTERY PORT AUTHORITY

**APPROVED**

**AUGUST 7, 2008**

**TOWN HALL  
COUNCIL CHAMBERS**

Meeting was called to order at 7:00 p.m.

**MEMBERS PRESENT:** Milton Hall, Chairman, William Bailey, Barry Bush, and D. Scott Mangiafico

**MEMBERS ABSENT:** John J. Carson, Joan E. Castellano, and Guy Petty

**ALSO PRESENT:** Bion Pike, Harbor Master, Lisa Goms, Recorder

## **APPROVAL OF MINUTES:**

**Mr. Mangiafico** made the motion to approve the Port Authority meeting minutes of July 3, 2008, as amended. **Mr. Bush** seconded the motion.

**VOTE:** Unanimous, 4/0 with all in favor.

## **BUDGET REPORT:**

**Chairman Hall** reported that the boat insurance has been paid. It came in at \$8,453.00, which is a lot less than we allocated for... we've raised the rates two years in a row, but they did not raise the rates, so we are a little ahead. As far as the workman's compensation, \$240...that was paid on last year's budget so that will stay there for the whole year. The only bill I received was from York Harbor Marine and I believe that was for the Harbor Master boat...it was for about \$79.00. **Harbor Master Pike** commented yes, that was for outboard oil.

**Chairman Hall** asked if there were any questions on the budget. No comments were heard. **Chairman Hall** stated, the only thing we have to watch are the part-time salaries, which is controlled by Harbor Master Pike.

## **HARBOR MASTER SEGMENT:**

**Harbor Master Pike** reported: The first item is the Harbor Master boat seems to be running fine after breaking down and being repaired by York Harbor Marine; it basically needed a tune-up and filters. I used the Harbor Master fire pump...we had a boat sinking in Pepperrell Cove and the pump did a great job...emptied it right out. It saved the motor and the boat, so that was good. The owner of that boat would like to donate a boat hook to the Harbor Master boat... I thought that would be fine. The police radio has been installed and it is operational. I have littered Kittery waters with "No Wake" signs, two at Chauncey Creek, two at Pepperrell Cove,

two at Back Channel, two at Spruce Creek and one at the launch ramp at Traip Academy. I used the same post as Mrs. Frisbee's "No headlights from dusk to dawn" sign. We rebuilt the trap slide on the fisherman's pier at Pepperrell Cove...it was in very bad shape and so we put some new steel plates at the bottom of each of the ramps so that the traps wouldn't dig up the floats. We had the septic tank pumped. We got another donated computer...a laptop. The EPA has requested that a survey be filled out concerning the number and types of boats we have on moorings in Kittery to have the discussion as to whether or not there are enough pump out facilities for the residents here. **Harbor Master Pike** continued with his report.

**Chairman Hall** asked if there were any questions for the Harbor Master. No responses were heard.

**MARINAS, PIERS AND FLOATS:**

1. Public Hearing for Robert Kaszynski, 4 Cove Landing, Kittery, to construct a Residential Ramp 4'x20' and Float System 6'x20' to 10'x20' (Map 2, Lot 13-3).

Mr. Kaszynski was not present. The Board continued on to the next item.

2. Public Hearing for Serfs Up NY LLC, 100 Pepperrell Road, Kittery Point, to construct a Residential Pier 6'x45' Ramp, 3'x40' and a 10'x20 Float (Map 27, Lot 45).

**Chairman Hall** asked for public comment on this item.

**Dana Coyle** said: I am a commercial fisherman and own two boats; one is a 37' and the other is a 45'. The pier being that close to the opening of what we call the Cove...or the launching area down there is that commercial boats load from the right side, which means we back into the area and with this pier here, I believe that any large boat that comes in...that is going to be in the area where we turn the boats, it would be very tight and be a problem. The applicant should consider the length and the repositioning of it.

**Tom Philbrook** (assistant to Darryl Hall, owner) said: There are way more obstructions around that boat launch area than this pier would ever create. We would certainly be willing to back it up about 10' as discussed. As far as being impeding on the problems there, I have been in and out of there a lot of times. I have had numerous conversations with bigger fisherman down there, and they don't have a problem with it at all. Mr. Hall has done the Town of Kittery and the State of Maine a huge justice by purchasing that property to preserve it and not tear it down and put condominiums in there. I think all of these things should be kept in mind State and Town...he has kept Kittery Point in mind and he doesn't want anything to change in Kittery Point.

**Mr. Coyle** rebutted: I have talked to other fisherman down there and they looked at that stick that was put out there a few weeks ago...a lot of people are shaking there heads about it. They figure the only reason Mr. Hall is going to get this pier is because he has the money to do it. Large boats are in there now and it is going to be a tight spot coming in there.

**Chairman Hall** closed public comment.

Board Discussion

**Chairman Hall** commented: In addressing Mr. Coyle, I was down there and that is the reason I pulled it in 10' for that one purpose and the stick that is out there right now will come in 10'.

**Mr. Mangiafico** asked about the lot lines and setbacks.

**Zach Taylor** (Pickering Marine) did not have the specific information about the setbacks, but described the plan, in length, to the Board members.

**Mr. Mangiafico** made the following motion: Move that the application of Serfs Up NY LLC, 100 Pepperell Road, Kittery Point, to construct a 6'x45' Residential Pier, a 3'x40' Ramp, and a 10'x20' Float (Map 27, Lot 45). I would move to approve that application dated June 6, 2008, drawn by Pickering, representative Zach Taylor. With the revised plan dated August 7, 2008, with the following conditions: The final two sheets of the plan which show elevation and the actual layout of the pier float system to have a revised date of August 7, 2008. No other conditions. Having reviewed the application, it complies with the Kittery Land Use and Development Code and that it meets the Kittery Port Authority rules and regulations, I would recommend that we approve it. Motion was seconded by Mr. Bush.

**VOTE:** 4/0 - Mr. Bush, Yes; Chairman Hall, Yes; Mr. Mangiafico, Yes and Mr. Bailey, Yes. Motion passes.

3. Application for Anthony Marquis, 1 Badgers Island West, Kittery, to clarify a 8'x20' extra float for "Submerged Lands Easement" Map , Lot 19

Board Discussion

Deliberations pursued regarding Mr. Marquis' request.

**Mr. Mangiafico** made the following motion: I would move to approve the modification to an existing plan dated January 16, 1998, for Anthony Marquis, Map , Lot 19 to include the existing float, 10'x20' float that has been inserted in there noting that there is a letter dated August 8, 2008, from Ed Fillmore, the abutter, saying that he has no objection to the existing float system that encroaches 10' more than what the original plan calls for. I would make the motion to approve that new float plan. The motion was seconded by Mr. Bush.

**VOTE:** 4/0 - Mr. Bush, Yes; Chairman Hall, Yes; Mr. Mangiafico, Yes and Mr. Bailey, Yes. Motion passes.

1. Public Hearing for Robert Kaszynski, 4 Cove Landing, Kittery, to construct a Residential Ramp 4'x20' and Float System 6'x20' to 10'x20' (Map 2, Lot 13-3).

**Chairman Hall** asked the Board if they wanted to wait for Mr. Kaszynski or to deal with the application at this time. Board members agreed that Mr. Kaszynski should be present to represent his application.

**PUBLIC COMMENTS and ISSUES:**

**Mr. Coyle** commented that he would like to thank Bion Pike on the job he is doing as the new Harbor Master, he is doing a great job. A while ago my picture appeared in the Portsmouth Herald and because of that picture and what the article was about, my boat was vandalized and had about \$3,000 worth of damage done to it. There needs to be some sort of surveillance system down there to protect from the vandalism that goes on down there done by people drinking and carrying on.

I know that Mr. Hall got his pier tonight and it seems like anyone who has money in this Town can get a pier. They go through all the paperwork and everything, people complain about it and they still get the pier. Years ago I tried to rebuild the pier behind my house in Kittery Point on Duncan Way. I was told by this Board's members at that time that I could rebuild it because there was photographic evidence and people had remembered and wrote letters saying that it was there. Mr. McCarthy, the Town Manager got involved and called the EPA. I was told by the EPA, State of Maine stating that if I didn't tear it down that they would fine me \$1,500 a day. I was told by the Planning Board that I would never be able to have a pier built behind my house on Duncan Way. The past couple of years I have noticed that there is a pier exactly where I was having my pier built. I just would like to know how the gentleman who bought my old house was able to build a pier. The reason we sold the house was because we could not build a pier.

**Chairman Hall** responded that Mr. Coyle did not have the proper proof that a pier existed there and did not have written permission from the abutter that it was okay.

**CORRESPONDENCE TO/FROM CHAIRMAN**

**BOARD MEMBERS NEW/OLD BUSINESS (Pier Repairs)**

**ADJOURNMENT:**

**Mr. Mangiafico** made the motion to adjourn the Port Authority Board Meeting, Mr. Bailey seconded the motion.

Meeting was adjourned at 8:45 p.m.